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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 22, 2004

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Bunderson, Cameron, Gannon, Malepeai, Marley, McWilliams, and Schroeder, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Megan Ball, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Bunderson and Marley were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 21, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senator Malepeai was recorded present at this order of business.

SCR 118

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
RECOGNIZING FEBRUARY SIXTH AS "GO RED FOR
WOMEN DAY."

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, cardiovascular diseases are the nation's leading cause of death, and stroke is the third leading cause of death;

WHEREAS, cardiovascular diseases claim the lives of more than half a million American women each year;

WHEREAS, each year 53.5% of women die from cardiovascular diseases as compared to 46.5% of men, and 40,000 more women than men have a stroke;

WHEREAS, the cost of cardiovascular diseases and stroke in the United States is estimated at \$352 billion;

WHEREAS, coronary heart disease rates in women after menopause are two to three times higher than those of women the same age before menopause;

WHEREAS, 63% of women who die suddenly of coronary heart disease have no previous symptoms of this disease;

WHEREAS, February is designated as American Heart Month;

WHEREAS, the American Heart Association is launching a new campaign, designed to raise women's awareness of the magnitude of cardiovascular diseases and to encourage women to make positive changes in their lives that could help reduce their risk of cardiovascular diseases and stroke;

WHEREAS, this new campaign is known as the "Go Red for Women" campaign.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we join in designation of February 6 in recognition of the "Go Red for Women" campaign and urge all citizens to recognize the critical importance of knowing the risk factors and the warning signs of heart attack and stroke by wearing the color red to commemorate this day. By increasing awareness of both heart attack and stroke, we can save thousands of lives each year.

SCR 118 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Gannon was recorded present at this order of business.

January 22, 2004

The JUDICIARY AND RULES Committee reports that S 1215, S 1216, and S 1217 have been correctly printed.

DARRINGTON, Chairman

S 1215 was referred to the Health and Welfare Committee.

S 1216 and S 1217 were referred to the Finance Committee.

January 21, 2004

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Carolyn Meline to the State Board of Correction, term to expire January 1, 2009.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 21, 2004

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Melville Fisher II to the Idaho State Lottery Commission, term to expire January 1, 2008.

SORENSEN, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 22, 2004

The FINANCE Committee reports out **S 1216** and **S 1217** with the recommendation that they do pass.

CAMERON, Chairman

S 1216 and **S 1217** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1218

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND; FOR FISCAL YEAR 2004; AND DECLARING AN EMERGENCY.

S 1219

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PHYSICAL HEALTH SERVICES FOR FISCAL YEAR 2004; AND DECLARING AN EMERGENCY.

S 1220

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LIMITATIONS ON SMOKING IN PUBLIC PLACES; AMENDING SECTION 39-5501, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 39-5502, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 39-5503, IDAHO CODE, TO EXTEND THE PROHIBITION ON SMOKING TO PUBLICLY-OWNED BUILDINGS OR OFFICES AND TO REVISE WHAT MAY BE A DESIGNATED SMOKING AREA; REPEALING SECTION 39-5504, IDAHO CODE; AMENDING SECTION 39-5506,

IDAHO CODE, TO REVISE RESPONSIBILITIES OF EMPLOYERS; AMENDING SECTION 39-5507, IDAHO CODE, TO REVISE ENFORCEMENT PROCEDURES; AND AMENDING CHAPTER 55, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5511, IDAHO CODE, TO PROVIDE THAT MORE STRINGENT LOCAL PROVISIONS MAY BE ADOPTED.

S 1221

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 18-2505, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-504, IDAHO CODE, TO REVISE THE DUTIES OF THE DEPARTMENT OF JUVENILE CORRECTIONS; AMENDING SECTION 20-524, IDAHO CODE, TO STRIKE PROVISIONS RELATING TO PAYMENT BY THE DEPARTMENT OF CERTAIN DETENTION COSTS; AMENDING CHAPTER 5, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-524A, IDAHO CODE, TO PROVIDE FOR PAYMENT OF CERTAIN DETENTION COSTS BY THE DEPARTMENT; AND AMENDING SECTION 20-532A, IDAHO CODE, TO PROVIDE FOR TRANSPORTATION OF CERTAIN APPREHENDED JUVENILES TO THE DEPARTMENT'S NEAREST REGIONAL FACILITY.

S 1222

**BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE**

AN ACT

RELATING TO ENERGY SAVINGS PERFORMANCE CONTRACTS; AMENDING SECTION 67-5711D, IDAHO CODE, TO DEFINE THE TERM "PUBLIC ENTITY" AND TO PROVIDE THAT A PUBLIC ENTITY MAY UTILIZE THE PROCEDURE FOR BIDDING PERFORMANCE CONTRACTS FOR THE INSTALLATION OR PURCHASE OF COST-SAVINGS ENERGY MEASURES IN BUILDINGS OCCUPIED BY AND FOR PUBLIC ENTITIES AND TO PROVIDE LIMITATION ON SUCH PERFORMANCE CONTRACTS ENTERED INTO BY THE STATE OR PUBLIC ENTITIES AND TO MAKE A TECHNICAL CORRECTION.

S 1223

**BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE**

AN ACT

RELATING TO TRANSFER OF DEVELOPMENT RIGHTS; REPEALING SECTION 2, CHAPTER 363, LAWS OF 1999, REQUIRING AN ANNUAL REPORT REGARDING TRANSFER OF DEVELOPMENT RIGHTS; AND DECLARING AN EMERGENCY.

S 1218, S 1219, S 1220, S 1221, S 1222, and S 1223 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1213, by Finance Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Friday, January 23, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary